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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

H&H Pharmaceuticals, LLC,
Plaintiff,

Case No.: 2:16-cv-02148-GMN-VCF

vs.

**DEFENDANTS' MOTION FOR LEAVE
TO FILE REPLY IN SUPPORT OF
MOTION TO DISMISS UNDER SEAL**

CHATTEM CHEMICALS, INC.,
SUN PHARMACEUTICAL INDUSTRIES,
LTD., DOES I-X, and ROE CORPORATIONS
I-X, INCLUSIVE,
Defendants.

Defendants Chattem Chemicals, Inc. ("Chattem") and Sun Pharmaceutical Industries, Inc. ("Sun") (together, "Defendants"), do hereby move the Court for leave to file under seal their Reply in Support of Motion to Dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) (the "Reply"), according to the provisions of D. Nev. R. IA 10-5. In support thereof, Defendants state:

1. A court may seal court records for good cause if the interests served by non-disclosure outweigh the right of the public access to judicial records. See *Nixon v. Warner Commc'ns*, 435 U.S. 589, 598 (1978).

2. In support of their Reply, Defendants reference the Settlement Agreement upon which Plaintiff H&H Pharmaceuticals, LLC ("Plaintiff") bases its claims.

3. Defendants also describe various provisions from the Settlement Agreement throughout their Reply.

4. Paragraph 12 of the Settlement Agreement provides that the parties shall not disclose the provisions of the Settlement Agreement, except in limited circumstances not applicable here.

5. Paragraph 12 further states that nothing in paragraph 12 shall prevent the parties from asserting or pursuing any claim to enforce the terms of the Settlement Agreement.

6. Although Plaintiff has put the terms of the Settlement Agreement at issue by filing the current action, and Defendants should be permitted to disclose the provisions of the Settlement Agreement in connection with their defense of Plaintiff's claims, in an abundance of caution Defendants seek to file their Reply under seal to avoid any potential violation of paragraph 12 of the Settlement Agreement.

7. For the reasons stated in this Motion, good cause exists for sealing the Defendants' Reply in Support of Motion to Dismiss Plaintiff's Complaint.

WHEREFORE, Defendants Chattem Chemicals, Inc. and Sun Pharmaceutical Industries, Inc. respectfully request that the Court grant leave to file Defendants' Reply in Support Motion to Dismiss Plaintiff's Complaint under seal.

DATED this 15th day of November, 2016.

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BY: /s/ CICELY I. LUBBEN
CICELY I. LUBBEN, *pro hac vice*

and

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IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 12-28-2016

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of STINSON LEONARD STREET LLP, and that on this date I caused to be served a true copy of the attached **DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS UNDER SEAL** on all parties to this action by the method(s) indicated below:

_____ by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

 X by using the Court's CM/ECF Electronic Notification System addressed to:

Luis A. Ayon, Esq.
Joseph A. Gutierrez, Esq.
Maier Gutierrez Ayon
8816 Spanish Ridge Avenue
Las Vegas, NV 89148
Attorneys for Plaintiff

_____ by personal delivery/hand delivery addressed to:

_____ by facsimile (fax) addressed to:

_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED this 15th day of November, 2016.

/s/ Tracey S. West

TRACEY S. WEST